

# DISTRICT COMPILED POLICIES

## CHAPTER 1 – GENERAL PROVISIONS

### 1.01 Title

All resolutions included in this and the following chapters are designated the Tualatin Hills Park & Recreation District Compiled Policies, and will be referred to as “DCP.” When referring to specific sections of these District Compiled Policies, the letters “DCP” will precede the numerical designation.

### 1.02 Definitions and rules of construction

The following definitions and rules of construction will be followed, unless inconsistent with the intent of the Board of Directors or the context clearly requires otherwise:

**ADMINISTRATIVE RULE**, a rule made by the General Manager with authority delegated by the Board.

**BOARD**, the Board of Directors of the Tualatin Hills Park & Recreation District.

**BOARD CLERK**, the clerk of the Board appointed by the General Manager.

**COMPUTATION OF TIME**, the time within which an act is to be done is computed by excluding the first day and including the last, unless the last falls on a legal holiday as defined in ORS 187.010 or 187.020, or on a Saturday or Sunday, in which case the last day is also excluded.

**COUNTY**, Washington County, Oregon.

**DAY**, the period between any midnight and the midnight following.

**DAYTIME, NIGHTTIME.** **DAYTIME**, the period between sunrise and sunset. **NIGHTTIME**, the period between sunset and sunrise.

**DIVISION**, a District administrative unit established and assigned functions by resolution.

**DIRECTOR**, the head of a division, or designee, appointed by the General Manager.

**DISTRICT**, the Tualatin Hills Park & Recreation District.

**DISTRICT COMMITTEES**, all District committees, task forces and advisory bodies.

**DISTRICT COMPILED POLICIES (DCP)**, the organization of District Policies into a comprehensive compilation of general Board resolutions.

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**DISTRICT PERMIT**, a permit issued by the District based on an application submitted to the General Manager on a form provided by the District.

**DISTRICT PROPERTY**, real or personal property owned or under the control of the District.

**GENDER**, the masculine gender includes the feminine and neuter, and the feminine includes the masculine and neuter.

**GENERAL COUNSEL**, the Chief Legal Officer for the District, or designee appointed by the Board.

**GENERAL MANAGER**, the General Manager of the District appointed by the Board who serves as the chief administrative officer, or designee.

**JOINT AUTHORITY**, words giving joint authority to three or more persons or officers gives such authority to a majority of them.

**LAW**, federal law, the constitution and statutes of the state of Oregon, ordinances, resolutions, and rules adopted by the District.

**MEMBER**, one of five elected members of the Board.

**MINOR**, a person under the age of 18 years, unless otherwise stated.

**MONTH**, a calendar month.

**NUMBER**, the singular number includes the plural, and the plural the singular.

**OAR**, Oregon Administrative Rule.

**OATH**, includes affirmation.

**OFFICIAL TIME**, when certain hours are named, they mean the standard of time as set out in ORS 187.110.

**OR, AND. OR** may be read **AND**, and **AND** may be read **OR**, if the sense requires it.

**ORDER**, a final determination of the Board in a particular case, usually a quasi-judicial matter.

**ORDINANCE**, a legislative enactment adopted by the Board under specific authority granted by state law.

**ORS**, Oregon Revised Statutes.

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**OWNER**, a part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of the building or land, or vendee in possession under a land sale contract.

**PEACE OFFICER**, as defined by ORS 161.015.

**PERSON**, a natural person capable of being legally bound, individual, sole proprietorship, limited liability company or partnership, corporation, association, firm, joint stock company, for profit or non-profit unincorporated association, business trust, two or more persons having a joint or common economic interest and similar entities.

**PERSONAL PROPERTY**, every type of property, except real property as defined in this section.

**POLICY**, a District policy adopted by Board resolution.

**PRECEDING, FOLLOWING**, next before and next after, respectively.

**PRESIDENT**, the member of the Board designated as presiding officer.

**PROPERTY**, both real and personal property.

**REAL PROPERTY**, land, tenements, and other hereditaments.

**RESOLUTION**, a Board exercise of administrative authority granted by state law.

**MUST, MAY, MUST** is mandatory, and **MAY** is permissive.

**SECRETARY**, the member of the Board designated as secretary.

**SECRETARY PRO TEMPORE**, the member of the Board designated as secretary pro tempore.

**STATE**, the state of Oregon.

**TENANT** or **OCCUPANT**, a person holding a written lease of, or who occupies, the whole or a part of the building or land, either alone or with others.

**TENSES**, the present tense includes the past and future tenses, and the future includes the present.

**TO**, means **TO AND INCLUDING** when used in reference to a series of sections of this Policy or the ORS.

**WEEK**, seven consecutive days.

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**WRITING**, includes any form of recorded message capable of comprehension by ordinary visual means. When a notice, report, statement or record is required or authorized by this Policy it must be made written in English unless expressly provided otherwise.

**YEAR**, a calendar year unless otherwise provided.

## **1.03 Substitute Officers**

Unless this DCP provides otherwise, the General Manager (Manager), General Counsel and division directors, or designees or agents, may exercise a power granted by the DCP. The Manager and General Counsel remain responsible for the performance of such acts.

## **1.04 Construction**

The provisions of the DCP and proceedings under it are to be construed to effect its objectives and to promote justice.

## **1.05 Severability**

The sections, subsections, paragraphs, provisions, clauses, phrases, and words of the DCP are severable. If a section, subsection, paragraph, provision, clause, phrase, or word of the DCP is declared by a court of competent jurisdiction unconstitutional or invalid, the judgment does not affect the validity of the remaining portions of this DCP. Every other section, subsection, paragraph, provision, clause, phrase or word of this DCP remains valid.

## **1.06 Editorial Changes**

The General Counsel is empowered to make certain editorial changes and corrections in this DCP, provided such changes do not alter the sense, meaning, effect, or substance of any resolution. Changes and corrections may include the following:

- (A) Numbering and renumbering sections and parts of sections of resolutions, either as enacted or as compiled;
- (B) Changes in the wording of headnotes or catchlines;
- (C) Rearrangements of sections;
- (D) Changes of reference numbers to agree with renumbered chapters, sections and statutes;
- (E) Substitutions of the proper subsection, section, chapter, or other division numbers;
- (F) Omission of figures or words that are merely repetitious;

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- (G) Changes of capitalization and punctuation for purposes of uniformity; and
- (H) Correction of manifest clerical or typographical errors.